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December 20, 2024

**By ECF**

Hon. Douglas E. Arpert, U.S.M.J. (Ret.)  
Three Gateway Center  
100 Mulberry Street  
15th Floor  
Newark, New Jersey 07102

**Re: United States ex rel. Silbersher v. Janssen Biotech Inc., et al.,  
Civil Action No. 19-12107 (MEF-SDA)**

Dear Judge Arpert:

Pursuant to Magistrate Judge Adams's recent order (ECF No. 417) and our discussion at this week's status conference, Defendants enclose the fifty (50) documents designated by Relator for priority *in camera* review.

If the Special Master concludes that the enclosed documents do not establish a basis to break the attorney-client privilege pursuant to the crime-fraud exception, Judge Adams' order contemplates that it would be appropriate for the Special Master to conclude the review and affirm his prior order. *See* ECF No. 417 (The Special Master shall review the 50 documents and "then make a determination as to whether the remaining documents need to be reviewed and whether his original Order stands").

If the Special Master considers ordering the production of any particular document(s) in this collection, Defendants renew their request to present argument to the Special Master as to why the crime-fraud exception does not apply to those particular document(s) before the Special Master reaches a final decision. *See* ECF No. 355 at 30 n.8; *Haines v. Liggett Grp. Inc.*, 975 F.2d 81, 89–90, 96–97 (3d Cir. 1992) (cleaned up) ("the party invoking the privilege has the absolute right to be heard by testimony and argument" and "should have opportunity to rebut" any "prima facie showing that [the] exception applies").

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Respectfully yours,



Jeffrey J. Greenbaum

cc: Counsel of Record (via *ECF and Email*) – without enclosure